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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,010	02/19/2004	Christopher M. Frazeur	CN1.002	4305
7590 11/14/2005 Timothy E. Siegel Suite 206 1868 Knapps Alley West Linn, OR 97068-4644			EXAMINER DOOLEY, JAMES C	
			ART UNIT 3634	PAPER NUMBER

DATE MAILED: 11/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/782,010

Applicant(s)

FRAZEUR, CHRISTOPHER M.

Examiner

James C. Dooley

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/19/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claim 9 is objected to because of the following informalities:

Claim 9, "then" should be changed to –than—in line 3.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, and 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Parrish (US 2002/0017770). Parrish discloses a method of supporting a rack having a tongue adapted to be inserted into a receptacle (par. 35 ln. 7-14). The method of Parrish involves providing a trailer hitch receiver assembly mounted to a static structure for receiving trailer hitch assemblies. The trailer hitch receiver (22) disclosed by Parrish is seen to be Class III receiver by the given dimension of a 2" standard hitch (par. 4 ln.6), which is known to be the standard dimensions of a class III hitch. The receiver assembly is comprised of a plate (20) having apertures (86). The static support structure disclosed by Parrish can be a garage wall (par. 35 ln. 16). Parrish specifically discloses the method of removing a rack from a vehicle trailer hitch and inserting the tongue of a rack into the trailer hitch receiver assembly mounted to static support (par.

35 ln. 7-14). Using the trailer hitch receiver of Parrish for storing a bicycle rack is also disclosed (par. 4. ln. 4).

3. Claims 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Scheef (US 5,794,959). Scheef discloses a support structure (150) supporting a class III type hitch (col. 4 ln. 61), including a set of wheels (153) to facilitate movement of the device. Scheef discloses that the maximum load which can supported by a class III type hitch is 500 lbs (col. 4 ln. 60-62) therefore the structure of Sheef must be less than the 300Kg (661lbs) disclosed by applicant.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parrish as applied to claims 1-4, 7-8 and further in view of Robar (US 5,553,718). Parrish discloses a trailer hitch receiver assembly for storing trailer hitch assemblies when not mounted to a vehicle. Parrish does not disclose the trailer hitch assemblies bearing an article when mounted in the stowed position. Robar teaches a bicycle rack (69) which is mountable to a vehicle (col. 5 ln. 48-52) and a wall (fig. 1), while also bearing a bicycle when mounted to a garage wall (col. 1 ln. 6-10). Accordingly, it would have been obvious to one with ordinary skill in the art at the time of the invention to

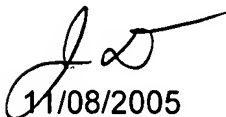
utilize the rack of Parrish in the stowed configuration to support a bicycle. The motivation would be to increase the versatility of the rack.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James C. Dooley whose telephone number is 571-2721679. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


11/08/2005


Jennifer E. Novosad
Primary Examiner
Art Unit 3634